

Hearing Date and Time: July 23, 2025 at 2:00 p.m.

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*Counsel to Romspen Investment LP, as agent and
servicer for TIG Romspen US Master Mortgage LP
and Fund Investment 149, LLC*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
MANHATTAN DIVISION**

In re:

**1300 Desert Willow Road, LLC,

Debtor.**

Chapter 11

Case No. 25-11375 (PB)

**RESERVATION OF RIGHTS REGARDING DEBTOR'S
APPLICATION TO EMPLOY REAL ESTATE MANAGEMENT COMPANY**

Secured creditor Romspen Investment LP ("Romspen Investment"), as agent and servicer for TIG Romspen US Master Mortgage LP ("TIG") and Fund Investment 149, LLC ("Fund Investment," collectively with TIG and Fund Investment, "Romspen"), hereby reserves its rights with respect to the *Debtor's Interim Application Pursuant to 11 U.S.C. §§ 105(a) and 363(b) to*

Employ Colliers as Property Manager for the Property Located at 1300 Desert Willow Rd. Los Lunas, NM 87031 [ECF No. 19] (the “Motion”) filed on an emergency basis by the above-captioned debtor, 1300 Desert Willow Road, LLC (the “Debtor”). In support, Romspen respectfully states as follows:

Background

1. On June 22, 2025, (the “Petition Date”), the Debtor filed a voluntary petition (the “Petition”) for protection under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”)¹ admitting in Paragraph 7 of its Petition that it filed as a single asset real estate debtor.

2. The Debtor also admits that Romspen is the only creditor whose claim is secured by the Property. ECF No. 1, Schedule D, para. 2.1.

3. Soon after the Petition Date, on June 25, 2025, Romspen filed its *Notice of Perfection of Lien Interest and Non-Consent to Use of Cash Collateral* [ECF No. 7] requesting that the Debtor sequester all cash collateral and stating that it did not consent to the use of cash collateral without a written agreement that would be subject to court approval. The Debtor and Romspen have not reached a written agreement or other consent.

4. On July 10, 2025, Romspen filed its *Motion to Dismiss Debtor’s Chapter 11 Case or, Alternatively, Appoint a Chapter 11 Trustee* [ECF No. 12] (the “Romspen Dismissal Motion”), which is currently pending and scheduled for a hearing on August 12, 2025 at 2:00 p.m.

¹ The use of sections herein shall refer to the Bankruptcy Code, except as otherwise specified.

5. Soon thereafter, on July 18, 2025, the Debtor filed the *Debtor's Motion for an Order (A) Authorizing the Use of Cash Collateral Pursuant to Bankruptcy Code Section 363(c)(2) and Bankruptcy Rules 4001 on an Interim Basis and Providing Adequate Protection Therefor Pursuant to 11U.S.C. §§361 and 362, (B) Scheduling a Final Hearing; and Such Other and Further Relief as the Court Finds Just and Proper* [ECF No. 16] (the "Cash Collateral Motion") also on an emergency basis. The Debtor attached a proposed budget to the Cash Collateral Motion (as may be modified or approved, the "Budget"). The Cash Collateral Motion is currently pending and scheduled for a hearing on July 23, 2025 at 2:00 p.m.

6. On July 19, 2025, the Debtor filed the instant Motion seeking court authority to employ New Mexico Real Estate Advisors, Inc., d/b/a Colliers ("Colliers") to manage the property located at 1300 Desert Willow Rd. Los Lunas, New Mexico (the "Property") on an emergency basis. Pursuant to the *Notice of Hearing on the Debtor's Application for an Interim Order to Approve Collier's to Act as the Debtor's Real Estate Management Company*, the deadline to object to the Motion is July 23, 2025 at 2:00 p.m.

7. Romspen presently does not object to the appointment of Colliers as property manager *on an interim basis* pending determination of the Romspen Dismissal Motion and provided that allowance and payment of any fees to Colliers' shall occur only in accordance with the Debtor's proposed Budget.

8. Romspen reserves its rights with respect to appointment of Colliers as property manager on a further interim or final basis, as well as its right to object to Colliers allowance of any fees, expenses or other compensation on a final basis.

9. In addition, Romspen expressly reserves all of its rights, including, without limitation, its right to supplement this reservation and/or to move for additional and further relief. In particular, nothing in this reservation or any accommodation or other agreement with respect to the Motion or any relief sought therein shall be deemed or construed as a waiver of any rights, claims, arguments, or other entitlement to relief requested in or asserted by the Romspen Dismissal Motion, each and all of which being specifically reserved.

DATED this 23rd day of July, 2025.

BRYAN CAVE LEIGHTON PAISNER LLP

/s/ Brigid K. Ndege

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***Attorneys for Romspen Investment LP, as agent
and service for TIG Romspen US Master
Mortgage LP and Fund Investment 149, LLC***

CERTIFICATE OF SERVICE

I hereby certify that on July 23rd 2025, I directed that a true and correct copy of this document be served on any attorney who has appeared of record, through the Court's ECF notification system, as follows:

- H. Bruce Bronson, Jr. on behalf of Debtor 1300 Desert Willow Road, LLC ecf@bronsonlaw.net bbronson@bronsonlaw.net; bronson.h.brucebl26820@notify.bestcase.com

- Rachael Siegel on behalf of U.S. Trustee United States Trustee rachael.e.siegel@usdoj.gov United States Trustee USTPRegion02.NYECF@USDOJ.GOV

The following parties received notice via first class mail:

- Equity Funding, LLC, Derek Edmonds, 11245 SE 6th Street, Suite 280, Bellevue, WA 98004-6594

- Fund Investment 149, LLC, c/o Bloomfeld Capital Partners, LLC, 700 Forest Avenue, Birmingham, MI 48009-6444

- Mark Calvert, Receiver, Cascade Capital, 1100 Bellevue Way NE Suite 8A-400, Bellevue, WA 98004-4280

- Meltzer, Lippe, Goldstein & Breitstone, Gary Meltzer, 190 Willis Avenue, Mineola, NY 11501-2643

- NM Industrial Park, LLC, 150 E 78th Street,, New York, NY 10075-0413

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